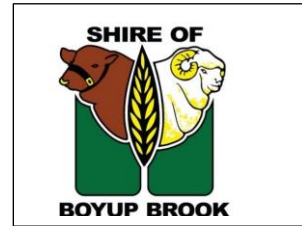

Date: 31 July 2023

To: Shire President
Deputy Shire President
Councillors
Community



ORDINARY COUNCIL MEETING MINUTES

27 July 2023

A handwritten signature in black ink, appearing to read "Long", is positioned above the printed name of the Chief Executive Officer.

Leonard Long
Chief Executive Officer

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.07pm.

Acknowledgement of Traditional Custodians

We acknowledge and pay our respects to the Traditional Custodians of the land on which we meet and work.

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privilege does not apply.

Elected Members and staff risk being held personally liable if their comments are defamatory, or breach any duty of confidentiality.

Statements made during Council meetings are solely those of the person making them. Nothing expressed at a Council Meeting can be attributed to the Shire, unless it is adopted by a resolution of Council.

The Confirmed Minutes of a Council Meeting are the official record of that Council meeting. Verbatim Minutes are not required.

May I ask everyone here today, to make sure your mobiles are turned off or on silent for the duration of the Meeting.

2. RECORD OF ATTENDANCE

2.1 ATTENDANCE

The Shire President has in terms of the *Local Government (Administration) Regulations 1996*, Reg 14C(2)(a)(iii), approved a request from Councillor Caldwell to attend the meeting by electronic means.

Councillors

Shire President

Deputy Shire President

Councillors

Cr Richard F Walker

Cr Helen C O'Connell

Cr Sarah E G Alexander

Cr Steele Alexander

Cr Charles A D Caldwell (via MS Teams @ 6.07pm)

Cr Philippe Kaltenrieder

Cr Darren E King

Cr Kevin J Moir

Cr Adrian Price

Council Officers

Chief Executive Officer	Leonard Long
Manager Finance	Ben Robinson
Executive Officer	Maggie Le Grange

Observers / Public Members

Nil

2.2 APOLOGIES

Deputy Chief Executive Officer	Carolyn Mallett
Manager Works and Services	Jason Forsyth
Urban & Regional Planner	Adrian Nicoll

2.3 REQUEST FOR LEAVE OF ABSENCE

Nil

3. DEPUTATIONS, PETITIONS AND PRESENTATIONS**3.1 DEPUTATIONS**

Nil

3.2 PETITIONS

Nil

3.3 PRESENTATIONS

Nil

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST**5.1 FINANCIAL AND PROXIMITY INTEREST**

- a) Cr O'Connell declared a financial interest in item 6.2 Blackwood Basin Group to utilise portion of the vacant area behind the Community Resource building for the purposes of a Community Garden, page 7, being employed by the Blackwood Basin Group.
- b) Cr Moir declared a proximity interest in item 12.2 Development Application (Tree Farm – Pine Trees) – Lot 2 Camelup Road, Wilga page 35, joining boundary.

5.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE A CONFLICT

- a) Cr King declared an impartiality interest in item 6.2 Blackwood Basin Group to utilise portion of the vacant area behind the Community Resource building for the purposes of a Community Garden, page 7, being a Blackwood Basin Committee Member.

- b) Cr Price declared an impartiality interest in item 6.2 Blackwood Basin Group to utilise portion of the vacant area behind the Community Resource building for the purposes of a Community Garden, page 7, being the Shire Representative on the Blackwood Basin Group.

6. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

6.1 ORDINARY COUNCIL MEETING MINUTES – 29 JUNE 2023

COUNCIL RESOLUTION 23/07/124

That the Minutes of the Ordinary Council Meeting held on 29 June 2023 be confirmed as being a true and accurate record.

**Moved: Cr Kaltenrieder
Seconded: Cr Steele Alexander**

CARRIED 9/0

Financial Interest

Cr O'Connell declared a Financial interest in item 6.2 – employed by the Blackwood Basin Group.

Cr O'Connell left Chambers 6:12pm

Cr O'Connell returned to Chambers 6:15pm

Impartiality Interest

Cr King declared an Impartiality interest in item 6.2 – Committee member of the Blackwood Basin Group.

Cr Price declared an Impartiality interest in item 6.2 - Shire Representative on the Blackwood Basin Group.

6.2 OUT OF SESSION CONFIRMATION – COUNCIL SUPPORT FOR THE COMMUNITY GARDEN LOCATED AT 86 ABEL STREET, BOYUP BROOK (CRC BUILDING)**COUNCIL RESOLUTION 23/07/125**

That the following 'Out of Session' resolution was endorsed by the following Councillors:

Cr R Walker

Cr Sarah Alexander

Cr A Price

Cr C Caldwell

Cr D King

Cr P Kaltenrieder

That Council Resolves to:

- A. Request the Chief Executive Officer to provide the Blackwood Basin Group Inc approval to utilise portion of the vacant area behind the Community Resource building (previously used as the Community Gardens) for the purposes of a Community Garden.
- B. Request the Chief Executive Officer to advise the Blackwood Basin Group that the Council will cover the extra water consumption cost, subject to review every six months.

Moved: Cr Steele Alexander

Seconded: Cr Sarah Alexander

CARRIED 7/1

Against: Cr Moir

6.3 OUT OF SESSION CONSIDERATION ENTERING INTO A CONTRACT TO FORWARD SELL FIFTY (50) TONNE OF CANOLA FROM RYLINGTON PARK

COUNCIL RESOLUTION 23/07/126

That Council Resolves to:

- A. Authorise the Chief Executive Officer to enter a contract to forward sell fifty (50) tonne of canola at a rate of between \$805 and \$850 per tonne from Rylington Park.**

Moved: Cr Kaltenrieder

Seconded: Cr King

CARRIED 9/0

7. PRESIDENTIAL COMMUNICATIONS

July

Thursday 6th - 4.30pm

Shire of Nannup with CEO and Deputy President

Wednesday 12th - 5pm

Rylington Committee meeting at Council Chambers

Thursday 13th - 10am

LEMC planning meet with CEO, OH&S / Emergency Management Coordinator and Ranger in Council Chambers

Wednesday 19th - 10am

LEMC

Thursday 20th - 4pm

Rylington Committee Budget meeting in Council Chambers

Friday 21st - 2pm

Shire Depot with CEO to congratulate the work teams and Works and Services Manager on the excellent work they are doing.

Tuesday 25th - 2.30pm

Dinninup Show Grounds with Cr Caldwell, CEO, Manager of Works, and Project Officer to look at drainage issues.

8. COUNCILLOR QUESTIONS ON NOTICE

9. REPORTS OF OFFICERS

9.1 Manager Works and Services

Nil

9.2 Manager Finance

9.2.1 LIST OF ACCOUNTS PAID IN JUNE 2023	
File Ref:	FM/1/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Ben Robinson, Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.2.1 – List of Accounts Paid in June 2023

COUNCIL RESOLUTION 23/07/127

That Council Resolves to:

A. Receive the list of accounts paid throughout the month of June 2023:

Municipal	Cheques	20604–20608	\$ 29,220.88
	EFT	EFT14168–EFT14300	\$600,889.15
	Direct Debit		\$280,216.49
	Police Licensing		\$ 62,854.95
	BBELC		\$ 0
	Grand Total		\$973,181.47

Moved: Cr Sarah Alexander

Seconded: Cr O’Connell

CARRIED 9/0

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in June 2023 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries, and wages, and the like which were paid during the period 01 to 30 June 2023.

REPORT DETAIL

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 2023.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Governance and Organisation
Outcome	Demonstrate effective leadership, advocacy, and governance
Objective	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*
 - (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
 - (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name.*
 - (b) *the amount of the payment.*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name.*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction.*

and

 - (b) *the date of the meeting of the council to which the list is to be presented.*
 - (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic** – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	The reporting of the monthly spending by a local government is required to be presented to Council in terms of the relevant legislation. Not presenting this information to Council would be a breach of the <i>Local Government Act 1995</i> .

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Funds used for account payments are included in the approved 2022/23 budget.

Workforce

Nil

 end

9.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 JUNE 2023	
File Ref:	FM/10/003
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Ben Robinson, Manager Finance Darren Long, Finance Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.2.2 – Monthly Financial Report 30 June 2023

COUNCIL RESOLUTION 23/07/128

That Council Resolves to:

A. Receive the Monthly Financial Report for 30 June 2023, as presented.

Moved: Cr Steele Alexander

Seconded: Cr Caldwell

CARRIED 9/0

SUMMARY

The Monthly Financial Report for 30 June 2023 is presented for Councils adoption.

BACKGROUND

The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

REPORT DETAIL

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Program.
- (b) Statement of Comprehensive Income by Nature/Type.
- (c) Statement of Financial Activity by Nature.
- (d) Statement of Financial Activity by Program.
- (e) Summary of Net Current Asset Position.
- (f) Material Variances Report.
- (g) Statement of Financial Position.
- (h) Statement of Cash Flows.
- (i) Report on Progress of Capital Expenditure Program.
- (j) Report on Major Business Units.

- (k) Statement of Cash Back Reserves.
- (l) Loan Borrowings Report; and
- (m) Detailed Operating and Non-Operating Schedules.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%.

For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as of 30 June 2023 shows a closing surplus of \$2,658,732.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Governance and Organisation
Outcome	Demonstrate effective leadership, advocacy, and governance
Objective	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c).
 - (b) budget estimates to the end of month to which the statement relates.
 - (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates.
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c).
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	The reporting of the monthly spending by a local government is required to be presented to Council in terms of the relevant legislation. Not presenting this information to Council would be a breach of the <i>Local Government Act 1995</i> .

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Funds used for account payments are included in the approved 2022/23 budget.

Workforce

Nil

end

9.3 Chief Executive Officer
Nil

9.4 Planning

9.4.1 DEVELOPMENT APPLICATION (OVER-HEIGHT OUTBUILDING) –58 ABEL STREET, BOYUP BROOK	
File Ref:	A1860
Previous Items:	Nil
Applicant:	P Braccia
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.4.1 (2 of 2) – Site Plan, Floor Plan & Elevations

COUNCIL RESOLUTION 23/07/129

That Council Resolves to:

- A. Approve the Development Application for the proposed over-height Outbuilding, at 58 Abel Street, subject to the following conditions and advice notes:**

Conditions:

- 1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Chief Executive Officer, all development shall occur in accordance with the approved plans.**
- 2. All stormwater is to be managed and contained on-site, to the satisfaction of the Chief Executive Officer.**
- 3. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust, or grit.**

Advice:

- 1. Outbuildings are structures that are non-habitable.**
- 2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

4. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Moved: Cr Moir

Seconded: Cr King

CARRIED 9/0

SUMMARY

The purpose of this report is to put before Council the request to develop an over-height Outbuilding (shed), on a 'Residential' zone Lot (58 Abel Street).

The application proposes a maximum wall height of 3.5m. The Shire's Outbuilding Policy limits the wall height of outbuildings on 'Residential' zone properties to 3m (taken from natural ground level).

The proposed variation (500mm) is not expected to impact the amenity of the area.

This report item recommends that the Council support a variation to Council Policy and agree to approve the application for the proposed over-height outbuilding at 58 Abel Street.



BACKGROUND

A Building Permit application requesting approval to develop an outbuilding at 58 Abel Street, was lodged with the Shire.

The Shire contacted the landholder and advised that the application does not comply with Council Policy and that planning approval needs to be submitted requesting support from Council to vary from their adopted Policy.

The proposal was presented to neighbouring properties, requesting comment. No objections were received.

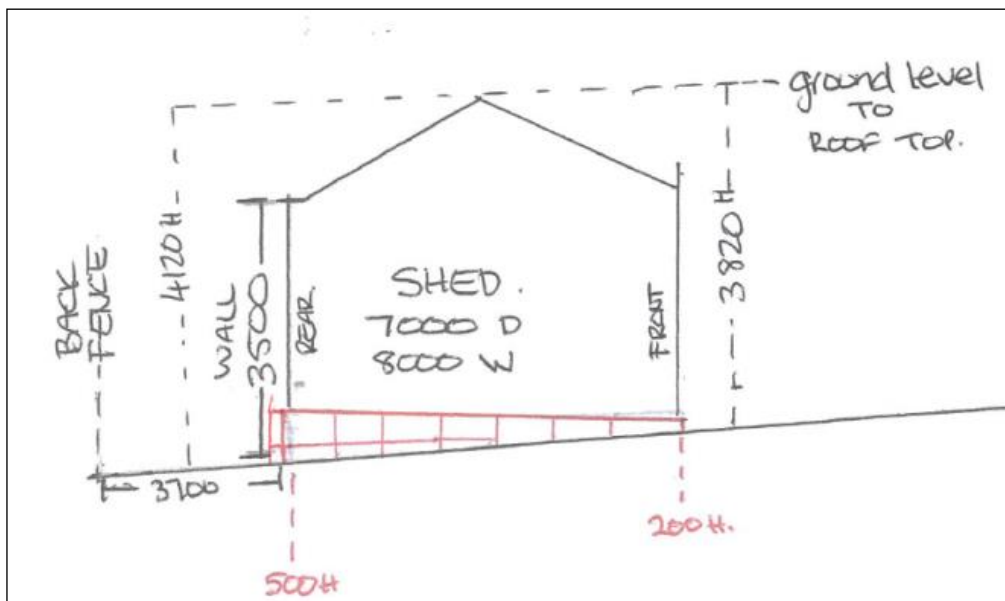
REPORT DETAIL

Council discretion is required due to non-compliance with Council Policy. The Shire’s Outbuilding Policy states:

The design and location of outbuildings shall comply with the following Table 1. Relaxations for setbacks may be considered subject to written confirmation by the adjoining landowner/s that they have no objection to the proposal.

TABLE 1: OUTBUILDING SPECIFICATIONS					
Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m ²)	Maximum total outbuilding area (m ²)	Set-backs
Residential and Urban Zone (Lots 500m ² – 1000m ²)	3m	4.2m	100	120	6m – Front & Secondary 1m – Side & Rear

The 58 Abel Street is a sloping property. In-order to develop a horizontal finished floor level, fill and retaining needs to occur. Fill and retaining means the max wall height of the outbuilding increases by 500mm to 3.5m.



The objective of the Shire’s ‘Outbuilding Policy’ is to minimise adverse impacts outbuildings may have on a locality. An over-height outbuilding has the potential to adversely impact on the amenity of the locality. Generally, outbuildings are basic in design and therefore are not appealing to neighbours or the street.

The outbuilding is proposed to be constructed using colourbond material ('surfmist' colour).

The neighbours were consulted on the over-height outbuilding and no objections were received.

It is recommended that the Council support a variation to Council Policy and approve the proposed over-height outbuilding for the following reasons:

- The height variation is minor (500mm) and is therefore not expected to impact on the amenity of the area.
- Neighbours had no objection.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Economic Development
Outcome	Make land available for economic growth, development, and improvement
Objective	Increase land availability for industry, housing, visitor accommodation and tourism.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

The Planning and Development (Local Planning Schemes) Regulations 2015 states:

(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

SUSTAINABILITY IMPLICATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Policy P.04 – Outbuildings

Objective

1. This policy seeks to guide the development of outbuildings proposed to be used for:
 - a. Domestic storage incidental to a dwelling; and
 - b. Where appropriate in accordance with Scheme 2, intensive uses such as cottage industry, commercial, rural industry, light industry, transport depot and stables.

2. This policy also seeks to minimise adverse impacts outbuildings may have on a locality.

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Low	The proposal was referred to neighbouring landholders for comment and no objections were made.

CONSULTATION

A copy of the application was circulated to the adjoining owners, with no objections being received.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

10. COMMITTEE MINUTES OF COUNCIL FOR ADOPTION

10.1 Rylington Park Committee Minutes – 12 July 2023

COUNCIL RESOLUTION 23/07/130

A. That the unconfirmed Minutes of the Rylington Park Committee Meeting held on 12 July 2023 be received.

Moved: Cr O'Connell

Seconded: Cr Caldwell

CARRIED 9/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Motion has been received from Cr Kaltenrieder

11.1 Electric Vehicle Charging Facility

COUNCIL RESOLUTION 23/07/131

That Council directs the Chief Executive Officer to report to Council on cost analysis, technical options including timeframe for provision and commissioning of public accessible Electric Vehicles (EV) charging facility in Boyup Brook Shire, subject to the approval of the 2023/24 budget.

Moved: Cr Kaltenrieder

Seconded: Cr Sarah Alexander

CARRIED 9/0

12. LATE ITEMS / URGENT BUSINESS MATTERS

COUNCIL RESOLUTION 23/07/132

That Council Resolves to allow the following two (2) items to be considered as Late Items / Urgent Business Matters.

- 1. Item 12.1 Development Application (Tree Farm – Pine Trees) – Lot 8396 Donnybrook Boyup Brook Road, Wilga.**
- 2. Item 12.2 Development Application (Tree Farm – Pine Trees) – Lot 2 Camelup Rd, Wilga.**

**Moved: Cr Kaltenrieder
Seconded: Cr Steele Alexander**

CARRIED 9/0

12.1 DEVELOPMENT APPLICATION (TREE FARM – PINE TREES) – LOT 8396 DONNYBROOK BOYUP BROOK ROAD, WILGA	
File Ref:	A3040
Previous Items:	Nil
Applicant:	PF Olsen Australia
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	12.1A Advertised Plantation Management Plan 12.1B Comment - Department of Fire and Emergency Services 12.1C Updated Plantation Management Plan to comply with staff recommendations on DFES comment 12.1D PF Olsen – Regional Fire Management Plan

COUNCIL RESOLUTION 23/07/133

That Council Resolves to:

- A. Approve the Development Application for the proposed Tree Farm, at Lot 8396 Donnybrook Boyup Road, Wilga, subject to the following conditions and advice notes:**

Conditions:

- 1. Prior to commencement of development, the Plantation Management Plan shall be updated to comply with the Council's firebreak order (15m boundary buffer), to the satisfaction of the Chief Executive Officer.**
- 2. All development shall occur in accordance with the Plantation Management Plan (as per (a.) above), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Chief Executive Officer.**
- 3. A plantation map shall be maintained on-site in red PVC tubes located at each access point.**
- 4. The owner/operator shall be responsible for the repair of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation operation.**
- 5. Twelve (12) months prior to harvest the owner / operator is to provide the Manager Works and Services, a Harvest Management Plan which is to include a condition assessment of all local roads to be used during harvesting.**

- 6. Any change in the species of tree being planted shall require the submission of an updated Plantation Management Plan.**

Advice Notes:

- 1. In accordance with the Shire of Boyup Brook Firebreak Notice:**
 - a) Clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation to a height of 5m.**
 - b) Where a plantation is divided into compartments –**
 - (i) if the compartments do not exceed 30ha, a 6m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 6m firebreak between the ground and 5m above the ground.**
 - (ii) if compartments exceed 30ha, a 10m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 10m wide firebreak between the ground and 5m above the ground.**
 - c) Clear a 50m wide bare earth firebreak around all buildings and fuel storage areas by removing all inflammable matter and vegetation within the 50m firebreak between the ground and 5m above the ground.**
 - d) Where power lines pass through the plantation, clear firebreaks in accordance with Western Power specifications (consult Western Power – phone 13 10 87).**
- 2. The removal of any native vegetation will require the approval of the Department of Water and Environmental Regulation.**
- 3. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 5. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

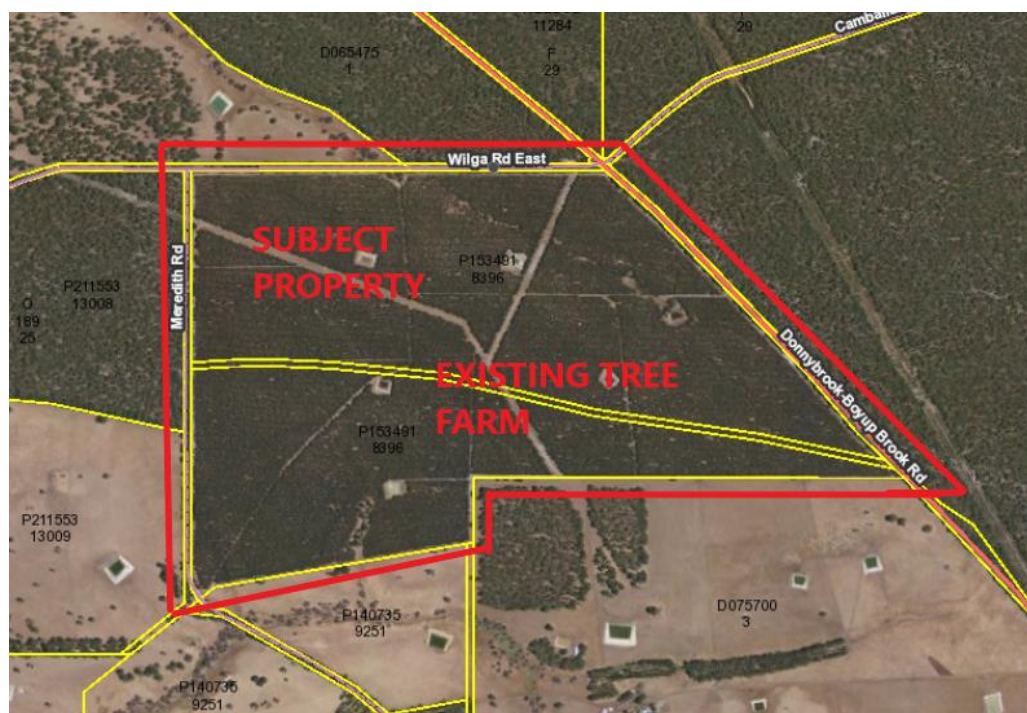
Moved: Cr O'Connell
Seconded: Cr Sarah Alexander

CARRIED 9/0

SUMMARY

The purpose of this report is to put before Council the request to develop a ‘Tree Farm’ (147.9ha), comprising pine trees, on land zoned ‘Rural’, in the Wilga area (east of Wilga Townsite).

The following map indicates the plantation area, which has previously been utilised as a tree farm (blue gums).



The Shire's *Local Planning Scheme No.2 (LPS2)* states:

1. *Council, in considering the granting of approval to plantations in the Rural Zone will take into account the landscape and amenity of the area and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area and is not supported by adequate bushfire suppression measures.*
2. *With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.*
3. *Council shall, in considering applications for 'Plantations', have regard to:*
 - a. *The Code of Practice for Timber Plantations in Western Australia.*
 - b. *Council's Firebreak Order; and*
 - c. *FESA's Guidelines for Plantation Fire Protection.*

The proposal is a continuation of an existing tree farm use and is to be implemented in accordance with a 'Plantation Management Plan'. The PMP was referred to the Department of Fire and Emergency Services (DFES). The DFES recommended some

minor modifications for compliance with the *FESA's Guidelines for Plantation Fire Protection*.

In response to the DFES comments, shire staff have recommended changes to the PMP (see the table located in the 'Consultation' section of this report). The applicant (PF Olsen) has provided an updated PMP, to comply with staff recommendations (see attachment). The following condition is also recommended, as a means to deal with recommended changes:

1. *All development shall occur in accordance with the Updated Plantation Management Plan (includes amendments in red), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.*

The subject land is currently used for tree farming and is therefore not expected to impact on the landscape amenity of the area. It is recommended that the Council support the application subject to conditions.

BACKGROUND

The Shire received a tree farm application involving converting an existing Blue-Gum Tree Farm, to a Pine Tree Farm.

The application was referred to surrounding landholders and the Department of Fire and Emergency Services (DFES).

No comment was received from surrounding landholders or the Chief Fire Warden.

The DFES responded with advice pertaining to fuel reduction, fire response contact details, water supply for firefighting and post harvesting operations. A full copy of DFES comment is provided as an attachment.

A summary of DFES comment and staff recommendations is provided in a Table located at the 'Consultation' section of the report item. PF Olsen has provided an amended Plantation Management Plan in response to staff recommendations (see attachment - Updated Plantation Management Plan to comply with staff recommendations on DFES comment).

REPORT DETAIL

Landscape and Amenity

The Shire's scheme seeks to protect the amenity and landscape of rural areas.

The proposed tree farm is not expected to impact on the landscape or amenity of the area. The subject land is currently developed as a tree farm. The tree farm is not expected to impact key views from important travel routes. The tree farm is expected to accord with the visual expression of the surrounding landscape.

Bushfire Suppression

The Shire's scheme seeks to ensure adequate fire suppression measures are in place. The tree farm will be developed in cells with firebreaks surrounding to suppress any bushfire outbreaks.

Additional information is to be included in the plantation management plan to address fire management issues.

The following assets are available to the PF Olsen at any time:

- One heavy duty 3,000L fire truck based in Collie.
- Two fast attack vehicles carrying fire fighter unit of approximately 400 litres carrying capacity, both based in Collie.
- One heavy duty 3,000L fire truck based in Manjimup.
- One fast attack vehicle carrying fire fighter unit of approximately 400 litres carrying capacity, based in Manjimup.

Wholesale planting of broadacre holdings

The Shire's scheme seeks to discourage the wholesale planting of broadacre rural holdings for plantations and instead, encourages the diversification of rural activities.

The subject rural holding is not currently farmed for broadacre agriculture. The subject property is currently developed as a tree farm.

Code of Practice for Timber Plantations in Western Australia

The Shire's scheme seeks to ensure that tree farms are developed in accordance with the Code of Practice for Timber Plantations in Western Australia.

The Code of Practice for Timber Plantations in Western Australia states:

In pursuing a vision of ecologically sustainable management of Australia's forests, Australian Governments, through the National Forest Policy Statement, have enunciated a national goal for plantations: "to expand Australia's commercial plantations of softwoods and hardwoods so as to provide an additional, economically viable, reliable and high-quality wood resource to industry".

In this context, the establishment of plantations for wood production should be determined on the basis of economic viability and international competitiveness, and market forces should determine the extent of resource use and the nature of industry operations. In essence, plantations established for wood production should be treated in the same way as any agricultural productions.

As required by the 'Code of Practice for Timber Plantations in Western Australia', a 'Plantation Management Plan' has been provided as part of the Tree Farm proposal. The 'Plantation Management Plan' includes management for planting, tending and bushfires.

Council’s Firebreak Order

The Shire’s scheme seeks to ensure that tree farms are developed in accordance with Council’s firebreak order.

The Council’s firebreak order requires a tree farm to clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land.

The application is proposing a 10m buffer to property boundaries. The Plantation Management Plan will need to be amended to comply with the 15m buffer requirement.

FESA’s Guidelines for Plantation Fire Protection

The Shire’s scheme seeks to ensure that tree farms are developed in accordance with FESA’s Guidelines for Plantation Fire Protection.

The guidelines require plantation to be developed in max size cells (30ha) for bushfire management purposes and including suitable firebreaks and water sources.

The proposed plantation area/cell comprises 16ha and includes firebreaks surrounding.

Additional information is to be included in the plantation management plan to address fire management issues.

Conclusion

The proposed tree farm is expected to comply with scheme and industry standards.

The area of proposed pine planting is currently developed as a blue-gum tree farm.

It is recommended that the Shire conditionally approve the proposed Pine Tree Farm application, as it is not expected to impact on landscape characteristics, and it is expected to be managed to ensure compliance with regulatory standards. Approval is to occur in accordance with the recommended conditions.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Economic Development
Outcome	Make land available for economic growth, development, and improvement
Objective	Increase land availability for industry, housing, visitor accommodation and tourism.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme No.2.

The Shire's Local Planning Scheme 2, states:

25 RURAL ZONE

1. *In considering applications for subdivision, rezoning and planning consent in the Rural Zone, Council shall have regard to:*

- (a) the need to protect the agricultural practices of the Rural zone in light of its importance to the district's economy.*
- (b) the need to protect the area from uses which will reduce the amount of land available for agriculture.*
- (c) bushfire risk to the locality and adequacy of fire suppression measures.*
- (d) the need to preserve the rural character and rural appearance of the area; and*
- (e) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.*

2. *Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broadacre and intensive rural activities except in close proximity to the town where such activities, by their very nature, may detract from the residential and environmental quality within the town.*

3. *Council, in considering the granting of approval to plantations in the Rural Zone will take into account the landscape and amenity of the area and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area and is not supported by adequate bushfire suppression measures.*

4. *With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.*

42 TREE FARMING

Tree farm as defined in Part 6 – 'Terms referred to in Scheme' is a permissible use in the 'Rural' zone subject to compliance with all requirements of this Scheme.

In addition to those other matters contained in clause 25, Council shall, in considering applications for 'Plantations', have regard to –

- a) The Code of Practice for Timber Plantations in Western Australia.*
- b) Council's Firebreak Order; and*
- c) FESA's Guidelines for Plantation Fire Protection.*

50. Land use terms used

Tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil – existing tree farm use

Social – (Quality of life to community and / or affected landowners)

Nil – existing tree farm use

POLICY IMPLICATIONS

There are no policy implications.

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.



Risk Level	Comment
Low	The proposal was referred to neighbouring landholders for comment and no objections were made.

CONSULTATION

Neighbouring properties, the Chief Fire Warden and the Department of Fire and Emergency Services were consulted. No objectionable comments were received.

The DFES provided advice regarding fuel reduction, fire response contact details, water supply for firefighting and post harvesting operations. See the following table for DFES comments and staff recommendations.

Topic	DFES Assessment - LOT 8396 WILGA	Shire Staff Recommendations
Fire Management Plan	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>3a) Landowner/occupier 24hour contact number.</p> <ul style="list-style-type: none"> The PMP has not provided the appropriate details. 	<p>DFES comment upheld.</p> <p>It is recommended that a Landowner/occupier 24-hour contact number is included in the management plan - pg. 8.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
	<p>3b) Contact details of fire control agencies</p> <ul style="list-style-type: none"> The PMP has not provided the appropriate details. 	<p>DFES comment noted.</p> <p>PF Olsen has provided the Shire with a copy of its Regional Fire Management</p>

		<p>Plan, which includes contact details of fire control agencies.</p> <p>Please see the attached Regional Fire Management Plan 2022/2023 for PF Olsen. This plan is updated each year prior to the pending fire season.</p>
	<p>3e) Fire Protection Measures</p> <ul style="list-style-type: none"> The PMP has not provided the appropriate details. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on compliance measures and firebreak management is included on pg.'s 8 and 9 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p> <p>Also, as above please refer to the attached Regional Fire Management Plan 2022/2023 for PF Olsen.</p>
	<p>3h) Fire Management Maps</p> <p>The Concept Map (Appendix 6) does not provide details on Emergency Access and Egress roads and tracks. The map should show potential points of entry and exit for emergency services and fire responders.</p>	<p>DFES comment upheld.</p> <p>It is recommended that the map in Appendix 1 is updated with the key reflecting the access and egress points for the property:</p> <ul style="list-style-type: none">  Access  Main Access <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>

<p>Plantation Fire Protection Specifications</p>	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>4.2 Fire breaks and Access</p> <ul style="list-style-type: none"> The proposed fire break width is not consistent with the Shire of Boyup Brook Fire Break Notice. For example, the Shire of Boyup Brook requires a 15m wide bare earth break immediately inside all external boundaries of land by removing all inflammable matter and vegetation to a height of 5m. However, the PMP lists a 10m external property fire break width. The Guidelines state that the fire breaks must be maintained in line with the Annual Fire Break Notice Developed by the LG. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on firebreak management is included at pg.'s 8 and 9 of the plantation management plan. The table on page 5 reflecting the 15m firebreak buffer is also updated. See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
	<ul style="list-style-type: none"> The PMP has not provided the appropriate detail on trafficable surface or clearance of firebreaks. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on firebreak management is included at pg.'s 8 and 9 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
	<ul style="list-style-type: none"> Passing bays which are required to be provided at 200m intervals at a minimum of 20m long are not provided in the PMP. 	<p>DFES comment noted.</p> <p>This is a recommendation in the guidelines that are complied with through the compartment boundary firebreak widths (15m) detailed in Section 6 of the PMP.</p> <p>No recommended change.</p>

		The plantation roads and 15m firebreaks are deemed sufficient in width for fire trucks and other firefighting appliances to pass safely.
	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>4.3 Water Supplies</p> <ul style="list-style-type: none"> Plantation managers must provide water for firefighting purposes. The PMP does not provide the appropriate detail on the required 50,000L of permanent water which should be available for initial use during fire response. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on water supplies is included at pg. 9 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
	<ul style="list-style-type: none"> Water tanks or dams should be accessible from a hardstand area with an appropriate turnaround area. The PMP has not provided the appropriate detail for water supplies. 	
Harvesting and Post Plantation Management	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>6.2 Post plantation management</p> <ul style="list-style-type: none"> The PMP provides no detail on the site manager’s responsibility post-harvest and details on fire management responsibilities such as maintaining fire breaks, removing coppice/stumps and logging debris/slash heaps. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on harvest management is included in section 5 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

Proximity Interest

Cr Moir declared a Proximity interest in item 12.2 - joining boundary.

Cr Moir left Chambers 6.32pm

Cr Moir returned to Chambers 6.36pm

12.2 DEVELOPMENT APPLICATION (TREE FARM – PINE TREES) – LOT 2 CAMELUP RD, WILGA	
File Ref:	A4430
Previous Items:	Nil
Applicant:	PF Olsen Australia
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	12.2A Advertised Plantation Management Plan 12.2B Comment - Department of Fire and Emergency Services 12.2C Updated Plantation Management Plan to comply with staff recommendations on DFES comment. 12.2D PF Olsen – Regional Fire Management Plan

COUNCIL RESOLUTION 23/07/134

That Council Resolves to:

- A. Approve the Development Application for the proposed Tree Farm, at Lot 2 Camelup Road, Wilga, subject to the following conditions and advice notes:**

Conditions:

- 1. Prior to commencement of development, the Plantation Management Plan shall be updated to comply with the Council's firebreak order (15m boundary buffer), to the satisfaction of the Chief Executive Officer.**
- 2. All development shall occur in accordance with the Plantation Management Plan (as per (a.) above), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Chief Executive Officer.**
- 3. A plantation map shall be maintained on-site in red PVC tubes located at each access point.**

- 4. The owner/operator shall be responsible for the repair of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation operation.**
- 5. Twelve (12) months prior to harvest the owner / operator is to provide the Manager Works and Services, a Harvest Management Plan which is to include a condition assessment of all local roads to be used during harvesting.**
- 6. Any change in the species of tree being planted shall require the submission of an updated Plantation Management Plan.**

Advice Notes:

1. In accordance with the Shire of Boyup Brook Firebreak Notice:

- a) Clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation to a height of 5m.**
- b) Where a plantation is divided into compartments –**
 - (i) if the compartments do not exceed 30ha, a 6m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 6m firebreak between the ground and 5m above the ground.**
 - (ii) if compartments exceed 30ha, a 10m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 10m wide firebreak between the ground and 5m above the ground.**
- c) Clear a 50m wide bare earth firebreak around all buildings and fuel storage areas by removing all inflammable matter and vegetation within the 50m firebreak between the ground and 5m above the ground.**
- d) Where power lines pass through the plantation, clear firebreaks in accordance with Western Power specifications (consult Western Power – phone 13 10 87).**

- 2. The removal of any native vegetation will require the approval of the Department of Water and Environmental Regulation.**

3. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
5. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

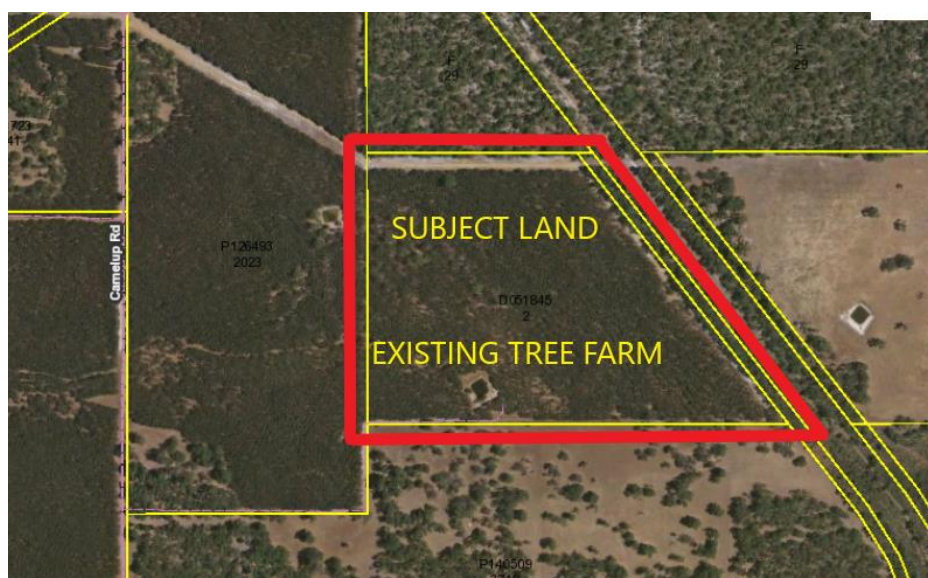
Moved: Cr Sarah Alexander

Seconded: Cr King

CARRIED 8/0

SUMMARY

The purpose of this report is to put before Council the request to develop a 'Tree Farm', comprising pine trees, on land zoned 'Rural', in the Wilga area (north of the Wilga Townsite).



The Shire's *Local Planning Scheme No.2 (LPS2)* states:

1. Council, in considering the granting of approval to plantations in the Rural Zone will take into account the landscape and amenity of the area and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area and is not supported by adequate bushfire suppression measures.

2. *With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.*
3. *Council shall, in considering applications for 'Plantations', have regard to:*
 - a. *The Code of Practice for Timber Plantations in Western Australia.*
 - b. *Council's Firebreak Order; and*
 - c. *FESA's Guidelines for Plantation Fire Protection.*

The proposal is a continuation of an existing tree farm use and is to be implemented in accordance with a 'Plantation Management Plan' (PMP). The PMP was referred to the Department of Fire and Emergency Services (DFES). The DFES recommended some minor modifications for compliance with the *FESA's Guidelines for Plantation Fire Protection*.

In response to the DFES comments, shire staff have recommended changes to the PMP (see the table located in the 'Consultation' section of this report). The applicant (PF Olsen) has provided an updated PMP, to comply with staff recommendations (see attachment). The following condition is also recommended, as a means to deal with recommended changes:

2. *All development shall occur in accordance with the Updated Plantation Management Plan (includes amendments in red), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.*

The subject land is currently used for tree farming and is therefore not expected to impact on the landscape amenity of the area. It is recommended that the Council support the application subject to conditions.

BACKGROUND

The Shire received a tree farm application involving converting an existing Blue-Gum Tree Farm, to a Pine Tree Farm.

The application was referred to surrounding landholders, the Chief Fire Warden and the Department of Fire and Emergency Services (DFES).

No comment was received from surrounding landholders or the Chief Fire Warden.

The DFES responded with advice pertaining to fuel reduction, fire response contact details, water supply for firefighting and post harvesting operations. A full copy of DFES comment is provided as an attachment.

A summary of DFES comment and staff recommendations is provided in a Table located at the 'Consultation' section of the report item. PF Olsen has provided an amended Plantation Management Plan in response to staff recommendations (see attachment - Updated Plantation Management Plan to comply with staff recommendations on DFES comment).

REPORT DETAIL

Landscape and Amenity

The Shire's scheme seeks to protect the amenity and landscape of rural areas.

The proposed tree farm is not expected to impact on the landscape or amenity of the area. The subject land is currently developed as a tree farm. The tree farm is not expected to impact key views from important travel routes. The tree farm is expected to accord with the visual expression of the surrounding landscape.

Bushfire Suppression

The Shire's scheme seeks to ensure adequate fire suppression measures are in place.

The tree farm will be developed in cells with firebreaks surrounding to suppress any bushfire outbreaks.

Additional information is to be included in the plantation management plan to address fire management issues.

The following assets are available to the PF Olsen at any time:

- One heavy duty 3,000L fire truck based in Collie.
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- One heavy duty 3,000L fire truck based in Manjimup.
- One fast attack vehicle carrying fire fighter unit of approximately 400 litres carrying capacity, based in Manjimup.

Wholesale planting of broadacre holdings

The Shire's scheme seeks to discourage the wholesale planting of broadacre rural holdings for plantations and instead, encourages the diversification of rural activities.

The subject rural holding is not currently farmed for broadacre agriculture. The subject property is currently developed as a tree farm.

Code of Practice for Timber Plantations in Western Australia

The Shire's scheme seeks to ensure that tree farms are developed in accordance with the Code of Practice for Timber Plantations in Western Australia.

The Code of Practice for Timber Plantations in Western Australia states:

In pursuing a vision of ecologically sustainable management of Australia's forests, Australian Governments, through the National Forest Policy Statement, have enunciated a national goal for plantations: "to expand Australia's commercial plantations of softwoods and hardwoods so as to provide an additional, economically viable, reliable and high-quality wood resource to industry".

In this context, the establishment of plantations for wood production should be determined on the basis of economic viability and international competitiveness, and market forces should determine the extent of resource use and the nature of industry operations. In essence, plantations established for wood production should be treated in the same way as any agricultural productions.

As required by the 'Code of Practice for Timber Plantations in Western Australia', a 'Plantation Management Plan' has been provided as part of the Tree Farm proposal. The 'Plantation Management Plan' includes management for planting, tending and bushfires.

Council's Firebreak Order

The Shire's scheme seeks to ensure that tree farms are developed in accordance with Council's firebreak order.

The Council's firebreak order requires a tree farm to clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land.

The application is proposing a 10m buffer to property boundaries. The Plantation Management Plan will need to be amended to comply with the 15m buffer requirement.

FESA's Guidelines for Plantation Fire Protection

The Shire's scheme seeks to ensure that tree farms are developed in accordance with FESA's Guidelines for Plantation Fire Protection.

The guidelines require plantation to be developed in max size cells (30ha) for bushfire management purposes and including suitable firebreaks and water sources.

The proposed plantation area/cell comprises 16ha and includes firebreaks surrounding.

Additional information is to be included in the plantation management plan to address fire management issues.

Conclusion

The proposed tree farm is expected to comply with scheme and industry standards.

The area of proposed pine planting is currently developed as a blue-gum tree farm.

It is recommended that the Shire conditionally approve the proposed Pine Tree Farm application, as it is not expected to impact on landscape characteristics, and it is expected to be managed to ensure compliance with regulatory standards. Approval is to occur in accordance with the following conditions:

1. *All development shall occur in accordance with the Updated Plantation Management Plan (includes amendments in red), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.*

2. *As an ongoing condition, a plantation map is to be maintained on-site in red PVC tubes located at each access point.*
3. *The owner/operator is responsible for the repair of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation operation.*

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Economic Development
Outcome	Make land available for economic growth, development, and improvement
Objective	Increase land availability for industry, housing, visitor accommodation and tourism.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme No.2.

The Shire's Local Planning Scheme 2, states:

25 RURAL ZONE

1. *In considering applications for subdivision, rezoning and planning consent in the Rural Zone, Council shall have regard to:*

- (a) *the need to protect the agricultural practices of the Rural zone in light of its importance to the district's economy.*
- (b) *the need to protect the area from uses which will reduce the amount of land available for agriculture.*
- (c) *bushfire risk to the locality and adequacy of fire suppression measures.*
- (d) *the need to preserve the rural character and rural appearance of the area; and*
- (e) *where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.*

2. *Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broadacre and intensive rural activities except in close proximity to the town where such activities, by their very nature, may detract from the residential and environmental quality within the town.*

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4. *With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.*

42 TREE FARMING

Tree farm as defined in Part 6 – ‘Terms referred to in Scheme’ is a permissible use in the ‘Rural’ zone subject to compliance with all requirements of this Scheme.

In addition to those other matters contained in clause 25, Council shall, in considering applications for ‘Plantations’, have regard to –

- a) The Code of Practice for Timber Plantations in Western Australia.*
- b) Council’s Firebreak Order; and*
- c) FESA’s Guidelines for Plantation Fire Protection.*

50. Land use terms used

Tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil – existing tree farm use

Social – (Quality of life to community and / or affected landowners)

Nil – existing tree farm use

POLICY IMPLICATIONS

There are no policy implications.

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Low	The proposal was referred to neighbouring landholders for comment and no objections were made.

CONSULTATION

Neighbouring properties, the Chief Fire Warden and the Department of Fire and Emergency Services were consulted. No objectionable comments were received. The DFES provided advice regarding fuel reduction, fire response contact details, water supply for firefighting and post harvesting operations. See the following table for DFES comments and staff recommendations.

Topic	DFES Assessment – Lot 2 Camelup Rd Wilga	Shire Staff Recommendations
Planning for Plantation Fire Management	<p>2.2 Fuel Reduction</p> <ul style="list-style-type: none"> The Guidelines state that plantation managers should maintain non-plantation vegetation at less than eight tonnes per hectare. 	<p>DFES comment noted.</p> <p>The guidelines ‘encourage’ fuel reduction in native forest areas.</p> <p>Fuel reduction of native forest areas is not a mandatory requirement.</p> <p>Management of bushfire is proposed to be dealt with via firebreaks in line the relevant Firebreak and Fuel Reduction Notice published by the Shire of Boyup Brook.</p> <p>No recommended change.</p>
	<ul style="list-style-type: none"> The PMP does not provide detail on how native vegetation will be managed inside the plantation boundary. 	<p>DFES comment noted.</p> <p>Page 5 of the PMP states:</p> <p>‘Native forest will be mapped and should be excluded from access to protect any existing values.</p> <p>No recommended change.</p>
Fire Management Plan	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>3a) Landowner/occupier 24hour contact number.</p> <ul style="list-style-type: none"> The PMP has not provided the appropriate detail. 	<p>DFES comment upheld.</p> <p>It is recommended that a Landowner/occupier 24hour contact number is included in the management plan - pg. 9.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
	<p>3b) Contact details of fire control agencies</p> <ul style="list-style-type: none"> The PMP has not provided the appropriate detail. 	<p>DFES comment noted.</p> <p>PF Olsen has provided the Shire with a copy of its Regional Fire Management Plan, which includes contact details of fire control agencies.</p>

		<p>Please see the attached Regional Fire Management Plan 2022/2023 for PF Olsen. This plan is updated each year prior to the pending fire season.</p> <p>No recommended change.</p>
	<p>3e) Fire Protection Measures</p> <ul style="list-style-type: none"> The PMP has not provided the appropriate detail. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on compliance measures and firebreak management is included at pg. 9 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p> <p>Also, as above please refer to the attached Regional Fire Management Plan 2022/2023 for PF Olsen.</p>
	<p>3h) Fire Management Maps</p> <ul style="list-style-type: none"> The Karingal Concept Map does not provide detail on Emergency Access and Egress roads and tracks. The map should show potential points of entry and exit for emergency services and fire responders. 	<p>DFES comment upheld.</p> <p>It is recommended that the map in Appendix 1 is updated to show firebreaks and access points.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
<p>Plantation Fire Protection Specifications</p>	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>4.2 Fire breaks and Access</p> <ul style="list-style-type: none"> The proposed fire break width is not consistent with the Shire of Boyup Brook Fire Break Notice. For example, the Shire of Boyup Brook requires a 15m wide bare earth break immediately inside all external boundaries of land by removing all 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on firebreak management is included at pg. 9 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>

	<p>inflammable matter and vegetation to a height of 5m. However, the PMP lists a 10m external property fire break width. The Guidelines state that the fire breaks must be maintained in line with the Annual Fire Break Notice Developed by the LG.</p>	
	<ul style="list-style-type: none"> The PMP has not provided the appropriate detail on trafficable surface or clearance of firebreaks. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on firebreak management is included at pg. 9 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>
	<ul style="list-style-type: none"> Passing bays which are required to be provided at 200m intervals at a minimum of 20m long are not provided in the PMP. 	<p>DFES comment noted.</p> <p>This is a recommendation in the guidelines that are complied with through the compartment boundary firebreak widths (15m) detailed in Section 6 of the PMP.</p> <p>No recommended change.</p>
	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>4.3 Water Supplies</p> <ul style="list-style-type: none"> Plantation managers must provide water for firefighting purposes. The PMP does not provide the appropriate detail on the required 50,000L of permanent water which should be available for initial use during fire response. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on water supplies is included on pg. 10 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>

	<ul style="list-style-type: none"> Water tanks or dams should be accessible from a hardstand area with an appropriate turnaround area. The PMP has not provided the appropriate detail for water supplies. 	
<p>Harvesting and Post Plantation Management</p>	<p>The submitted information has not demonstrated compliance with the requirements.</p> <p>6.2 Post plantation management</p> <ul style="list-style-type: none"> The PMP provides no detail on the site manager’s responsibility post-harvest and details on fire management responsibilities such as maintaining fire breaks, removing coppice/stumps and logging debris/slash heaps. 	<p>DFES comment upheld.</p> <p>It is recommended that additional commentary on harvest management is included at pg. 8 of the plantation management plan.</p> <p>See attached - Updated Plantation Management Plan to comply with staff recommendations on DFES comment.</p>

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

13. CONFIDENTIAL ITEMS OF BUSINESS

COUNCIL RESOLUTION 23/07/135

That Council Resolves to:

A. Proceed behind closed doors as per Section 5.23(2) of the *Local Government Act 1995*, to consider item 13.1, the time being 6.37pm.

Moved: Cr King
Seconded: Cr O’Connell

CARRIED 9/0

Note: Council Resolution for item 13.1.1 (27/07/136) remains confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*.

13.1 <u>CONFIDENTIAL</u>: CAVEAT OVER PROPERTY (A5900) FOR DEFAULT RATES PAYMENT	
File Ref:	A5900
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	Nil

COUNCIL RESOLUTION 23/07/137

That Council Resolves to:

Proceed with the meeting in public, the time being 6.39pm.

Moved: Cr King
Seconded: Cr Kaltenrieder

CARRIED 9/0

14. CLOSURE

There being no further business the meeting closed at 6.39pm.

 Presiding Member

 Date